

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

1. - 24. (Canceled)

25. (New) A ballpoint pen using a water-based ink composition comprising at least a colorant, water and 0.1 to 30 % by weight of a nonionic high molecular surfactant having an alkylene oxide chain as a hydrophilic group and having an average molecular weight of 3000 to 200,000.

26. (New) The ballpoint pen as described in claim 25, wherein the nonionic high molecular surfactant has an HLB of 8 or more or a cloud point of 50°C or higher.

27. (New) The ballpoint pen as described in claim 25, wherein the nonionic high molecular surfactant is N-polyoxyalkylenepolyalkylenepolyamine.

28. (New) The ballpoint pen as described in claim 25, wherein the nonionic high molecular surfactant is a polyoxyethylenepolyoxypropylene block polymer.

29. (New) The ballpoint pen as described in claim 26, wherein the nonionic high molecular surfactant is N-polyoxyalkylenepolyalkylenepolyamine.

30. (New) The ballpoint pen as described in claim 26, wherein the nonionic high molecular surfactant is a polyoxyethylenepolyoxypropylene block polymer.